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EXAMINER				
YU, HENRY W				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/566,001

Applicant(s)

POSTMA ET AL.

Examiner

HENRY YU

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 20 January 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

INFORMATION CONCERNING RESPONSES

Response to Amendment

1. This Office Action is in response to applicant's communication filed on July 7, 2009, in response to PTO Office Action mailed on May 15, 2009. The Applicant's remarks and amendments to the claims and/or the specification were considered with the results that follow.
2. In response to the last Office Action, **claims 1, 5-6, and 9** have been amended. **Claims 14-17** are new claims. As a result, **claims 1-17** are now pending in this application.
3. The objections to the specification have been withdrawn due to the amendment filed on July 7, 2009.

Response to Arguments

4. Applicant's arguments filed on July 7, 2009, in response to the office action mailed on May 15, 2009, have been fully considered but are not entirely persuasive. The Applicant argues that the amended claims are distinguished from the prior arts of record in that Striemer (Patent Number US 6,931,463 B2) does not disclose updating an electronic device itself with additional functionality so that it can perform additional functionality features, with an emphasis on "updateable." However, the Examiner notes that a device can be considered updated (which is generally defined as bringing a system up to the current state of the art) whenever a new functionality (which is

common in the latest devices but is non-existent in the current device) is added. An example is a personal computer that does not have wireless networking. The personal computer is updated to the current state of the art when the user installs a wireless networking component.

On the other hand, Applicant has added new limitations in the new claims 14-17. Hence, the rejection has been withdrawn. However, upon further review a new ground of rejection has been made in view of Silvester (Publication Number US 2003/0068034 A1) and Kelley et al. (Publication Number US 2004/0253944 A1).

CLAIM INTERPRETATION

5. Examiner reiterates that Applicant's claims are extremely broad and read on systems and methods of interfacing a "functionality device" to a main/electronic device. The claims as worded can apply to any types of device interfacing beyond the scope of the Applicant's invention as described in the written specification. For instance, though the written specification mentions an entertainment device such as a DVD player, the claims as worded can also apply to an ordinary computer system (such as a desktop or laptop) and attached peripherals.

One example that can be covered by the claims of the instant application is the idea of adding wireless networking to a laptop computer through a PCMCIA slot (where the laptop computer obtains the additional functionality of wireless communication once the wireless networking device is physically connected to the laptop). Another example that can be covered by the claims of the instant application is the interfacing of a printer

to a computer through a wireless interface, which gives the computer the additional functionality of printing documents on paper.

6. In the interest of speeding the prosecution of the case, Examiner urges the Applicant to claim only that which he believes he has invented.

OBJECTIONS TO THE SPECIFICATION

Claim Objections

7. **Claims 14 and 17** are objected to because of the following informalities:

Claim 14: On line 2, "*latenly*" should be replaced with *—latently—*.

Claim 17: On line 2, "*availabe*" should be replaced with *—available—*.

Appropriate correction is required.

REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claims 1, 3-5, 7-9, and 12-13** are rejected under 35 U.S.C. 102(e) as being anticipated by Striemer (Patent Number US 6,931,463 B2).

As per **claim 1**, Striemer discloses “an electronic system comprising one or more functionality devices (**companion device that provides non-native function to a different electronic device; Column 1, lines 54-56**) and an electronic device adapted so that the one or more functionality devices are locatable in proximity to the electronic device (**Column 1, lines 59-65**).”

Striemer also discloses “the electronic device being operable to recognize the presence of the one or more functionality devices (**Column 1, lines 59-62**), and, upon recognition of said one or more functionality devices, the electronic device being updateable with and operable to perform one or more additional functionality features associated with said one or more functionality devices whilst said one or more functionality devices are in proximity to the electronic device (**Column 1, lines 62-67; Column 2, lines 1-7**).”

As per **claim 3**, Striemer discloses “at least one of said one or more functionality devices (**companion device**) and the electronic device (**from the companion device’s perspective, a different electronic device**) are operable to communicate via wireless communication by using an electromagnetic signal (**Column 1, lines 56-59**).”

As per **claim 4**, Striemer discloses “the electromagnetic signal is implemented using electromagnetic radiation complying with the Bluetooth standard (**Column 1, lines 56-59**).”

As per **claim 5**, Striemer discloses “access to the one or more additional functionality features of said one or more functionality devices is conditional upon activation of the one or more functionality devices (**from the electronic device’s**

perspective, in order to activate the functions of the companion device a link must established, along with the proper authentication and authorization information; Column 5, lines 1-17)."

As per **claim 7**, Striemer discloses *"at least one of said one or more functionality devices is activated by using electromagnetic signal communication with an additional device (through the use of a local wireless interface in conjunction with identification mechanism; Column 5, lines 3-9)."*

As per **claim 8**, Striemer discloses *"the activation is conditional upon communication of one or more codes (in order to establish a link, and hence from the electronic device's perspective activate the functionality of the companion device, authentication and authorization information are required; Column 5, lines 9-14)."*

As per **claim 9**, Striemer discloses *"a method of providing additional functionality to an electronic device, the method including the steps of: (a) providing an electronic device operable to performing a set of functions (Column 1, lines 59-65)" and "(b) providing at least one functionality device adapted so as to be engagable in at least close spatial proximity to the electronic device (Column 1, lines 59-65)."*

Striemer also discloses *"(c) arranging for said electronic device to be capable of recognizing the presence of said at least one functionality device when in close spatial proximity to the electronic device (Column 1, lines 59-65)" and "(d) arranging for the electronic device to be updated with and to perform one or more additional functionality features associated with said at least one functionality device brought into close spatial*

proximity whilst said at least one functionality device is maintained in close spatial proximity to said electronic device (Column 1, lines 62-67; Column 2, lines 1-7)."

As per **claim 12**, Striemer discloses "*said at least one functionality device (companion device) and said electronic device (from the companion device's perspective, a different electronic device) are arranged to mutually communicate via wireless communication utilizing an electromagnetic signal (Column 1, lines 56-59).*"

As per **claim 13**, Striemer discloses "*the electromagnetic signal complies with the Bluetooth standard (Column 1, lines 56-59).*"

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 2, 6, and 10-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Striemer (Patent Number US 6,931,463 B2) in view of Henrie et al. (Patent Number US 6,519,144 B1).

As per **claim 2**, while Striemer discloses "*the system*" (see rejection to **claim 1** above), Striemer does not explicitly disclose physical coupling/attachment as disclosed in "*at least one of said one or more functionality devices is arranged to be attachable to the electronic device by means of at least one of a magnetic coupling, a suction pad, an adhesive coupling and a mechanical attachment mechanism.*"

Henrie et al. explicitly disclose physical coupling/attachment as "*at least one of said one or more functionality devices (in one embodiment the cradle 2000) is arranged to be attachable to the electronic device (PDA 100) by means of at least one of a magnetic coupling, a suction pad, an adhesive coupling and a mechanical attachment mechanism (the PDA 100 is physically connected to the cradle 2000 through an electrical connector 181; FIG. 11F and 13).*"

Striemer and Henrie et al. are analogous art in that they are from the same field of device interfacing, particularly of peripheral devices to a main electronic device.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the system as disclosed by Striemer with physical coupling/attachment as disclosed by Henrie et al., since such attachments can not only ensure that a user has all the necessary equipment without concern for a missing component, but also ensure greater security (as wireless signals can be intercepted by outside parties) and less interference, as opposed to wireless signal interfacing.

As per claim 6, while Striemer discloses "*the system*" (see rejection to claim 1 above), Striemer does not explicitly disclose "*said one or more functionality devices are activated in response to actuation of a switch or button on the device,*" which Henrie et al. discloses as "*said one or more functionality devices are activated in response to actuation of a switch or button on said functionality devices (the cradle 2000 contains a hot synch button which, when pressed, provides for 'Hot Synch' enablement of the cradle 2000; Column 11, lines 22-27).*"

Striemer and Henrie et al. are analogous art in that they are from the same field of device interfacing, particularly of peripheral devices to a main electronic device.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the system as disclosed by Striemer with device activation through a button or switch as disclosed by Henrie et al., which gives the user more control and flexibility with regard to device/peripheral activation as opposed to having the system automatically do so. Furthermore, such user-determined activation can also allow for the saving of electrical power on the device/peripheral if such device/peripheral runs on a battery. The button/switch is press/actuated only when the user actually needs/desires to operationally connect the device/peripheral.

As per **claim 10**, while Striemer discloses *"the method"* (see rejection to **claim 9** above), Striemer does not explicitly disclose *"close spatial proximity corresponds to physical contact between said electronic device and said at least one functionality device,"* which Henrie et al discloses as *"close spatial proximity corresponds to physical contact between said electronic device and said at least one functionality device (the PDA 100 is physically connected to the cradle 2000 through an electrical connector 181; FIG. 11F and 13)."*

Striemer and Henrie et al. are analogous art in that they are from the same field of device interfacing, particularly of peripheral devices to a main electronic device.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the method as disclosed by Striemer with physical

coupling/attachment as disclosed by Henrie et al. (see rejection to **claim 2** above for motivation).

As per **claim 11**, while Striemer discloses "*the method*" (see rejection to **claim 9** above), Striemer does not explicitly disclose "*said at least one functionality device is attached to the electronic device by means of at least one of a magnetic coupling, a suction pad, an adhesive coupling and a mechanical attachment mechanism,*" which Henrie et al. discloses as "*said at least one functionality device is attached to the electronic device by means of at least one of a magnetic coupling, a suction pad, an adhesive coupling and a mechanical attachment mechanism (the cradle 2000 contains a hot synch button which, when pressed, provides for 'Hot Synch' enablement of the cradle 2000; Column 11, lines 22-27).*"

Striemer and Henrie et al. are analogous art in that they are from the same field of device interfacing, particularly of peripheral devices to a main electronic device.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the method as disclosed by Striemer with physical coupling/attachment as disclosed by Henrie et al. (see rejection to **claim 2** above for motivation).

12. **Claims 14 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Striemer (Patent Number US 6,931,463 B2) in view of Silvester (Publication Number US 2003/0068034 A1).

As per **claim 14**, while Striemer discloses "*the system*" (see rejection to **claim 5** above), Silvester discloses the idea of latent functionality features being present in an

electronic device that are augmented by upgrade modules as *"wherein the one or more additional functionality features are laterly present in said electronic device and access to said additional functionality is available while one or more functionality devices are attached (modules may provide added functionality such as additional memory, additional processing, and the like (Abstract; Lines 3-6). The use of the term "added" indicates augmentation of current functions in the device, such as memory and processing in this instance)."*

Striemer and Silvester are analogous art in that they are from the same field of device interfacing, particularly of peripheral devices to a main electronic device.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the method as disclosed by Striemer and with elements of Silvester, which notes that when a user decides to upgrade to a more advanced device, the existing device becomes largely useless. This is compounded by the fact that the resale value of basic devices is relatively limited [Page 1, paragraph 0002]. Hence, in order to prolong the lifespan of the basic device and have the basic device remain useful to the user in the face of increasing technological advancement, the use of modules that augments the basic device can be of great use.

As per claim 17, while Striemer discloses "the system" (see rejection to claim 5 above), Silvester discloses *"wherein the one or more additional functionality features are made availabe to said electronic device from an external storage medium after attachment of the one or more functionality devices (the card 66 contains a storage 58 that includes software; Page 1, paragraph 0016; FIG. 3)."*

Striemer and Silvester are analogous art in that they are from the same field of device interfacing, particularly of peripheral devices to a main electronic device.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the method as disclosed by Striemer and with elements of Silvester, which notes that when a user decides to upgrade to a more advanced device, the existing device becomes largely useless. This is compounded by the fact that the resale value of basic devices is relatively limited [Page 1, paragraph 0002]. Hence, in order to prolong the lifespan of the basic device and have the basic device remain useful to the user in the face of increasing technological advancement, the use of modules that augments the basic device can be of great use.

13. **Claims 15-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Striemer (Patent Number US 6,931,463 B2) in view of Kelley et al. (Publication Number US 2004/0253944 A1).

As per **claim 15**, while Striemer discloses "*the system*" (see rejection to **claim 1** above), Kelley et al. discloses "*wherein a set of user preferences for an electronic device is included on said one or more functionality devices (the RF-ID device is programmed to store the user preferences; Page 4, paragraph 0047).*"

Striemer and Kelley et al. are analogous art in that they are from the same field of device interfacing, particularly of peripheral devices to a main electronic device.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the method as disclosed by Striemer and with elements of Kelley et al., which notes that it is desirable to provide a way for users to upgrade the capability

of their devices (in this case phones) without having to purchase an entirely new replacement phone [Page 1, paragraph 0005]. Furthermore, by including user preferences the user can utilize any similar device without being tied to one particular device [Page 4, paragraph 0047].

As per claim 16, the combination of Striemer and Kelley et al. discloses "*the system*" (see rejection to claim 1 above). Kelley et al. further discloses "*wherein said set of user preferences is transferable to a new electronic device after relocating said one or more functionality devices to said new electronic device (Pages 4-5, paragraph 0047).*"

RELEVANT ART CITED BY THE EXAMINER

14. The following prior art made of record and relied upon is cited to establish the level of skill in the applicant's art and those arts considered reasonably pertinent to applicant's disclosure. See MPEP 707.05(c).

15. The following references teach device interfacing, particularly of peripheral devices to a main electronic device.

U.S. PATENT NUMBERS:

2004/0198472 A1

CLOSING COMMENTS

Conclusions

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENRY YU whose telephone number is (571)272-9779. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TARIQ HAFIZ can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. Y./
Examiner, Art Unit 2182
October 16, 2009

/Tariq Hafiz/
Supervisory Patent Examiner, Art Unit 2182